

Remarks

Applicant thanks the Examiner for the careful consideration given this application. Reconsideration of this application is requested in view of the above amendments and the following remarks.

Claims 44, 45, 48-52, 55-58, and 63-66 are now pending in this application, of which Claims 44, 51, 56, and 64 are independent claims. Claims 44, 48, 51, and 56 have been amended to correct minor grammatical errors. Claim 44 has also been amended to clarify the subject matter being claimed therein. New Claims 64-66 have been added.

It is noted that new Claims 64-66 are enabled, at least by Figs. 1, 4, and 7 (memory is a processor-readable medium) and the disclosure, in general. For example, paragraph [0030] discusses that a microprocessor “can be adapted to execute a number of actions according to rules, instructions, or preferences,” and there are several other references throughout the disclosure to microprocessors executing various operations.

At pages 2-4, the Office Action rejects Claims 44, 45, 48-52, 55-58, and 63 under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent Application Publication No. 2002/0142803) in view of George (U.S. Patent No. 5,214,789). These rejections are respectfully traversed for at least the following reasons.

Claim 44, as amended, includes the limitation, “wherein the geographical location information is generated for each of the wireless device and the vehicle by at least one location system.” Claim 51 recites, among other things, “finding a geographic location of the wireless telephone,” and, “finding a geographic location of the vehicle.” Claim 56 similarly recites, “generating position data for the wireless device and generating position data for the vehicle.” Similarly, new Claim 63 recites, “geographical location

information obtained for a mobile device and geographical location information obtained for a vehicle.” What these all have in common is that geographical location information is recited as being obtained for both the wireless device and the vehicle in each claim.

As noted in the Office Action at page 3, Yamamoto does not teach “comparing the location of the wireless device to the location of the vehicle.” Careful review of Yamamoto reveals that the system of Yamamoto does not obtain or utilize any geographical location information relating to either the wireless device (“MS” in Yamamoto) or the vehicle. Rather, in Yamamoto, a device (“AS”) located in the vehicle sends out inquiry signals (“IQ packets”) to be responded to by a MS that comes within range (using an “FHS packet”). See, e.g., paragraphs [0064]-[0065].

At page 3, the Office Action relies on George to remedy the shortcomings of Yamamoto. In particular, the Office Action refers to George at col. 4, lines 51-67 and states that “[George] teaches a computer reads the automatic vehicle locator to determine the location of the mobile radio when a transmission is to be initiated, the location of the mobile is compared to the geographic reference [sic].” However, a careful reading of this portion of George reveals that the mobile radio 62A has the automatic vehicle locator (“AVL”) that “functions to determine the geographic location of the mobile radio 62A.” George at col. 4, lines 51-54. As shown in Fig. 1, George assumes that the mobile radio 62A is *in the vehicle 62*. Therefore, there is no need in George to obtain and compare geographical information of the mobile radio and geographical information of the vehicle, because the mobile radio is located in the vehicle already. As described later on in George, what George is doing is obtaining geographical location information for the radio/vehicle (i.e., a single piece of geographical location information) and comparing it

with previously-known fixed operating zones (of base stations). See George at col. 5.

There is no obtaining of geographical information of a vehicle, as claimed, anywhere in George.

In view of these observations, Applicants maintain:

- That it would not have been obvious to one of ordinary skill in the art to combine Yamamoto with George. In fact, there is no teaching or obvious way to combine the two to obtain the claimed invention, except by hindsight; and
- That even if one were to attempt to combine Yamamoto and George, one would not obtain the claimed invention, as neither reference teaches obtaining and comparing geographical information associated with a mobile device and geographical information associated with a vehicle.

It is, therefore, respectfully submitted that the present claims are allowable over the combination of Yamamoto and George.

At pages 5-6, the Office Action rejects Claims 44, 45, 48-52, 55-58, and 63 on the ground of non-statutory obviousness-type double-patenting over Claims 1-3, 6, 9, 11, and 14 of U.S. Patent No. 6,690,956. While Applicants disagree with this characterization, in order to expedite prosecution, Applicants are submitting a Terminal Disclaimer herewith. Consequently, it is respectfully submitted that the Terminal Disclaimer obviates these rejections and that they should be withdrawn.

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

Conclusion

Applicants believe that the above amendments and remarks address all of the grounds for objection and rejection and place the application in condition for allowance. Applicants, therefore, respectfully request prompt and favorable consideration of this Amendment and Reply and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

/Jeffrey W. Gluck/

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